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2 **221. UNIFORM RULES FOR THE**
3 **CONDUCT OF DEPOSITIONS**

4 **221.3 Communication with the deponent**

5 An attorney shall not interrupt the
6 deposition for the purpose of communicating
7 with the deponent unless all parties
8 consent or the communication is made for
9 the purpose of determining whether the
10 question should not be answered on the
11 grounds set forth in section 221.2 of these
12 rules and, in such event, the reason for
13 the communication shall be stated for the
14 record succinctly and clearly.

15 IT IS FURTHER STIPULATED AND AGREED
16 that the transcript may be signed before
17 any Notary Public with the same force and
18 effect as if signed before a clerk or a
19 Judge of the court.

20 IT IS FURTHER STIPULATED AND AGREED
21 that the examination before trial may be
22 utilized for all purposes as provided by
23 the CPLR.

24 IT IS FURTHER STIPULATED AND AGREED
25 that all rights provided to all parties by
26 the CPLR cannot be deemed waived and the
27 appropriate sections of the CPLR shall be
28 controlling with respect hereto.

29 IT IS FURTHER STIPULATED AND AGREED
30 by and between the attorneys for the
31 respective parties hereto that a copy of
32 this examination shall be furnished,
33 without charge, to the attorneys
34 representing the witness testifying herein.

1 E. VERSCHLEISER

2 THE VIDEOGRAPHER: We are on
3 the record. The time on the video
4 monitor is 1:23 p.m. on Wednesday,
5 July 23, 2014. My name is Vincenzo
6 Petulla with Diamond Reporting and
7 Legal Video. This deposition --

8 THE WITNESS: I'm Eli
9 Verschleiser --

10 THE VIDEOGRAPHER: This the
11 deposition of Eli Verschleiser. This
12 deposition is being held at 60 Broad
13 Street, New York, New York in United
14 Realty offices. The name of this
15 case Jfurti LLC et al. versus Eli
16 Verschleiser et al., Index No.
17 650803/2014.

18 Counsel will now please
19 identify themselves and the party
20 they represent, please.

21 MR. FRYDMAN: My name is Jake
22 Frydman. I am here pro se on behalf
23 of myself.

24 MR. EDELMAN: My name is Daniel
25 Edelman. I'm here representing

1 E. VERSCHLEISER

2 Jfurti, LLC, Summer Investors LLC,
3 Winter 866 UN LLC.

4 MS. VOLPE: Danielle Volpe,
5 legal assistant.

6 MR. COOPER: Steven Cooper,
7 representing defendants.

8 THE VIDEOGRAPHER: The court
9 reporter is Kiki Panzella, also with
10 Diamond Reporting and Legal Video.

11 Will the reporter please swear
12 in the witness.

13 E L I V E R S C H L E I S E R, called as
14 a witness, having been first duly sworn by
15 a Notary Public of the State of New York,
16 was examined and testified as follows:

17 THE WITNESS: I affirm. My
18 apologies. I know I'm a little bit
19 late. I just got caught up and I
20 apologize for that.

21 MR. FRYDMAN: Thank you.

22 EXAMINATION BY

23 MR. FRYDMAN:

24 Q. Mr. Verschleiser, as you know,
25 my name is Jake Frydman. I'll be deposing

1 E. VERSCHLEISER

2 you today in a deposition.

3 I'll be asking you some
4 questions. If you don't understand, please
5 let me know and I will try to rephrase my
6 question; do you understand that?

7 A. I do.

8 Q. And I notice that you
9 specifically went out of your way to say
10 that you affirmed as opposed to swear
11 today. Is there a reason for that?

12 A. I think you know. Judaism, you
13 don't swear; we affirm.

14 Q. So you wouldn't take this oath
15 on a swearing?

16 A. Correct.

17 Q. Are you comfortable that you
18 understand that you are subject to laws
19 regarding perjury and that your testimony
20 has to be completely honest?

21 A. Could you repeat that.

22 Q. Yes. Are you aware that this
23 deposition, that your testimony is being
24 taken under oath and is expected to be
25 truthful and honest and that it is subject

1 E. VERSCHLEISER

2 to the penalties of perjury?

3 MR. COOPER: Objection to form.

4 You can answer.

5 A. I'm aware.

6 MR. FRYDMAN: I'd also like to
7 put on the record that it is 1:35,
8 that we started at about 1:23 this
9 afternoon. Mr. Verschleiser's
10 attorney and all of the people on the
11 plaintiff's team have been here, as
12 well as the videographer and the
13 stenographer, since before noon.
14 This deposition was scheduled by
15 agreement of parties to commence at
16 noon and Mr. Verschleiser appeared
17 about an hour and 21 minutes late.

18 Q. Mr. Verschleiser, are you under
19 the influence of any drugs or medications
20 or other substances which would diminish
21 your mental abilities today?

22 A. Not to my knowledge.

23 Q. Have you ever been known by any
24 name other than Eli Verschleiser?

25 A. Elia Verschleiser.

1 E. VERSCHLEISER

2 Q. Any other names?

3 A. Not to my knowledge.

4 Q. Are you married?

5 A. Yes, I am.

6 Q. What's your wife's name?

7 A. Dr. Jennifer Shany Zoldan

8 Verschleiser.

9 Q. And is she employed by any of
10 the entities that are a party to this
11 lawsuit?

12 A. No.

13 Q. Is she the manager of any of
14 the entities that are party to this
15 lawsuit?

16 A. I need to see the names of the
17 entities that are party to the lawsuit. I
18 have to double-check. I -- if she is, I'll
19 get that back to you and tell you.

20 MR. FRYDMAN: So I would ask
21 that you please produce that to us
22 after this deposition.

23 MR. COOPER: I'll take it under
24 advisement.

25 Q. Do you live at 3501 Avenue T in

1 E. VERSCHLEISER

2 Brooklyn?

3 A. I do.

4 Q. Do you have any other
5 residences?

6 A. I do.

7 Q. Where else do you reside?

8 A. I reside at 14 Kingsfield
9 Drive. That's in Lakewood, New Jersey, ZIP
10 Code is 08701.

11 Q. Any other residences?

12 A. No.

13 Q. Are you employed?

14 A. Yes, I am.

15 Q. Who are you employed by?

16 A. Multi Capital.

17 Q. And is Multi Capital the same
18 at Multi Group?

19 A. I'm not familiar with a Multi
20 Group.

21 Q. Are you employed by any other
22 entity?

23 A. No, I'm not.

24 Q. Are you employed by Magenu?

25 A. No, I am not.

1 E. VERSCHLEISER

2 Q. Are you employed by Our Place?

3 A. No, I am not.

4 Q. Are you aware of an e-mail
5 domain named Multi Groups?

6 A. Yes, I am.

7 Q. How is that related to you, if
8 it is?

9 A. My company owns it.

10 Q. Your company being Multi
11 Capital owns Multi Group?

12 A. No. Multi --

13 MR. COOPER: Objection to form.

14 A. Multi Group of Companies, LLC
15 owns it.

16 THE WITNESS: When you object
17 to form --

18 MR. COOPER: You can go ahead.

19 THE WITNESS: All right.

20 Q. Are you an officer of any other
21 organizations or director of any other
22 organizations?

23 A. Not-for-profits?

24 Q. Any organizations.

25 A. Can you define organization as

1 E. VERSCHLEISER

2 a corporation?

3 Q. No. I define it as an
4 organization.

5 MR. COOPER: Objection to form.

6 A. Again, not-for-profit? Can you
7 define --

8 Q. Including --

9 A. Can you define it.

10 Q. Yes, a corporation, an LLC, a,
11 an unincorporated association, a
12 partnership, a limited partnership, a
13 general partnership, a not-for-profit --

14 A. My answer is many, too many to
15 list.

16 Q. How about any not-for-profits?

17 A. Yes.

18 Q. Which ones?

19 A. Our Place in New York and
20 American Jewish Congress, I'm acting
21 treasurer.

22 Q. Other than Our Place in
23 New York and American Jewish Congress, are
24 you also an officer of Magenu?

25 A. Magenu?

1 E. VERSCHLEISER

2 Q. Magenu, which is an affiliate
3 or subsidiary of Our Place in New York.

4 A. I'm on the board, yes.

5 Q. Any others?

6 A. I'm affiliated with many
7 non-for-profits as a -- I spend most of my
8 time in the philanthropic and charitable
9 work, so too many to list.

10 Q. Do you maintain an office?

11 A. Yes, I do.

12 Q. And is that the office at 44
13 Wall Street that you spoke about earlier?

14 A. Yeah, the office that you came
15 into for couple of years.

16 Q. Any other offices?

17 A. I don't maintain any other
18 offices.

19 Q. Since November of 2013, had you
20 maintained any other offices?

21 A. No, I don't.

22 Q. Did you maintain an office at
23 2294 Nostrand Avenue, Suite 1017, Brooklyn?

24 A. No, I did not.

25 Q. You did not. Did you maintain

1 E. VERSCHLEISER

2 an office at 4741 North 35th Street,
3 Hollywood, Florida?

4 A. No, I did not.

5 Q. So 44 Wall Street's the only
6 office that you've maintained?

7 A. That's correct.

8 MR. COOPER: Can I get that
9 second address again, what was it?

10 MR. FRYDMAN: North 35th
11 Street, Hollywood, Florida.

12 MR. COOPER: Thank you.

13 Q. Are you familiar with the
14 matters that are asserted in this lawsuit
15 and specifically the motion for preliminary
16 injunction scheduled for a hearing on
17 August 6th and 7th?

18 MR. COOPER: Objection to form.
19 You can answer it.

20 A. Yes, I am.

21 Q. As a general rule, do you read
22 and review the papers that are filed with
23 respect to the lawsuit that is the subject
24 matter of today's deposition?

25 MR. COOPER: Objection to form.

1 E. VERSCHLEISER

2 You can answer it.

3 A. My attorneys brief me on them.

4 Q. Did you go to high school?

5 A. Yes, I did.

6 Q. Where did you go?

7 A. Chaim Berlin.

8 Q. That's in Brooklyn, New York?

9 A. Yes.

10 Q. Did you graduate from Chaim
11 Berlin?

12 A. No, I did not.

13 Q. At what year did you drop out
14 of high school?

15 A. I never dropped out of high
16 school.

17 Q. How is it that you did not
18 graduate and you did not drop out?

19 A. I went to a different school.

20 Q. Which high school did you go to
21 next?

22 A. It's been a long time. I'm
23 going to try to remember. I went to a high
24 school in St. Louis, Mississippi. I don't
25 remember the name of it, and then went to a

1 E. VERSCHLEISER

2 high school in Rochester, New York, which I
3 graduated.

4 Q. Do you remember the name of
5 that high school?

6 A. No.

7 Q. You don't. Do you remember
8 what year you graduated?

9 A. No, I don't.

10 Q. Did you go to college?

11 A. No, I did not.

12 Q. After high school, did you have
13 any employment?

14 A. Could you be more specific.

15 Q. When you graduated high school,
16 what did you do?

17 A. I went to yeshiva in Israel.

18 Q. Which yeshiva?

19 A. Mir.

20 Q. When did you first start at Mir
21 Yeshiva in Israel?

22 A. After high school.

23 Q. Do you recall the year?

24 A. No, I do not.

25 Q. Do you know how long you were

1 E. VERSCHLEISER

2 there?

3 A. About a year.

4 Q. And then what did you do?

5 A. And then I -- since then?

6 Could you be more specific.

7 Q. After you left Mir Yeshiva in
8 Israel, what did you do next?

9 A. I did many things since then,
10 so I don't recall the chronological order
11 of things in my life since then. It's --
12 it's pretty vague, I think. Can you be
13 more specific.

14 Q. Did you hold a job after that?

15 A. Numerous.

16 Q. What was the first job that you
17 held after Mir Yeshiva?

18 A. I worked at a rental car
19 company in Israel.

20 Q. Do you recall which rent-a-car
21 company?

22 A. No, I do not.

23 Q. Do you remember for how long
24 you were working there?

25 A. No, I do not.

1 E. VERSCHLEISER

2 Q. What did you do after that?

3 A. After that I worked for a
4 diamond company.

5 Q. Where?

6 A. 580 Fifth Avenue.

7 Q. What year was that?

8 A. I don't recall.

9 Q. Do you recall the name of the
10 company?

11 A. Mantor Kuperman Diamonds.

12 Q. How long were you there?

13 A. Couple years.

14 Q. What did you do after that?

15 A. I went to the real estate
16 world.

17 Q. What year did you enter the
18 real estate world?

19 A. Approximately 1994, '95.

20 Q. And have you been in the real
21 estate world exclusively since then?

22 A. Not exclusively, but mostly.

23 Q. At any time, were you in the
24 online poker business?

25 A. No, I was not.

1 E. VERSCHLEISER

2 Q. Do you have any foundations
3 that you support?

4 A. Many.

5 Q. Do you have any foundations
6 that you file foundation tax returns on,
7 they're yours as opposed to others as well?

8 A. Yes, a family foundation.

9 Q. What's the name of that
10 foundation?

11 A. The Verschleiser Family
12 Foundation.

13 Q. Are there any other foundations
14 that are yours?

15 A. Exclusively?

16 Q. You and/or your wife and other
17 family.

18 A. Yes.

19 Q. What else?

20 A. My grandfather started a
21 foundation, my uncle started a foundation,
22 my great uncle started a foundation; I'm
23 involved in all of them.

24 Q. Is there any other foundation
25 that is of you, your wife and/or your

1 E. VERSCHLEISER

2 children?

3 A. Not to my knowledge.

4 Q. Do you belong to any industry
5 associations?

6 A. Personally?

7 Q. I would imagine that if you
8 belonged, it would be personally, yes.

9 A. You said you would imagine, you
10 asked me a question --

11 Q. Do you, personally --

12 A. So tell me.

13 Q. Do you belong to any industry
14 associations?

15 A. No, I do not.

16 Q. Do you belong to any industry
17 associations through one of your entities?

18 A. Numerous.

19 Q. Can you name some of the
20 industry associations that you belong to?

21 A. Too many to list.

22 Q. Can you name five?

23 A. The Board of Real Estate of New
24 York. I'm probably stating that
25 incorrectly, but something to that effect;

1 E. VERSCHLEISER

2 the numerous charitable -- numerous
3 charitable organizations. I can get you a
4 list if it's material to this --

5 Q. Well, you can't --

6 A. -- matter.

7 Q. Other than that one, you can't
8 recall any specific?

9 A. That's correct.

10 Q. Do you hold any licenses?

11 A. A driver's license.

12 Q. In addition to a driver's
13 license, do you hold any licenses?

14 A. Is a pistol permit considered a
15 license?

16 Q. I don't know.

17 A. I don't know.

18 Q. Do you hold a pistol permit?

19 A. I'm not sure if it's expired or
20 not.

21 Q. But at one point, you held a
22 pistol permit?

23 A. I believe so.

24 Q. In what state?

25 MR. COOPER: You know, I'm

1 E. VERSCHLEISER

2 going to object. Tell me what this
3 has to do with this --

4 MR. FRYDMAN: It's background,
5 it's background.

6 MR. COOPER: This is way far
7 afield and I've given you lots --

8 MR. FRYDMAN: And this is --

9 MR. COOPER: I'm not finished
10 talking. I've given you lots of
11 latitude. I'm going to direct him
12 not to answer unless you can tell me
13 what a pistol permit has to do with
14 disparagement.

15 MR. FRYDMAN: A pistol permit
16 has nothing to do with it. It's a
17 question for credibility; it's a
18 question of impeachment.

19 MR. COOPER: You don't have the
20 ability to question him on anything
21 you want simply because you think it
22 goes to credibility. Your questions
23 have to be relevant to preliminary
24 injunction hearing. A lot of what
25 you've asked is not, but I've given

1 E. VERSCHLEISER

2 you latitude. We're not going to go
3 off on a pistol permit, okay.

4 Q. Excluding pistol permits, are
5 there any other licenses that you hold?

6 A. A driver's license.

7 Q. Got that, so other than that,
8 none?

9 A. A boating license.

10 Q. Anything else?

11 A. U.S. Coast Guard. I'm part of
12 the U.S. Coast Guard, so they have some
13 sort of license that they issue me; I'm
14 part of the Homeland Security, they have
15 some sort of license that they issue me. I
16 -- I don't know all off the top of my head,
17 but I can -- if it's material, we can
18 submit it.

19 Q. Have you ever had a license
20 other than a driver's license or a boat
21 license suspended or revoked?

22 A. Not to my recollection.

23 Q. Have you ever been a subject of
24 a disciplinary proceeding with respect to
25 any license or anything else?

1 E. VERSCHLEISER

2 A. Not to my recollection.

3 Q. Have you ever been the subject
4 of a regulatory investigation?

5 A. Unlike yourself, no.

6 Q. Were you subject to a
7 regulatory investigation by the Florida
8 Commission on Securities?

9 A. Not to my knowledge.

10 Q. Do you know Raul Del Forno?

11 A. If he was the employee Raul at
12 our company, then yes, I do.

13 Q. Are you aware that he was
14 employed by the United Realty?

15 A. We hired him, so I'm aware.

16 Q. Do you know what he was
17 employed as?

18 A. In the technology department.

19 Q. Would it be fair to say that he
20 headed up technology?

21 A. Perhaps at the later part of
22 his employment.

23 Q. Okay.

24 A. Or if you made him the head of
25 technology.

1 E. VERSCHLEISER

2 Q. Well, at the time that you
3 resigned as president of United Realty
4 Advisors, was he holding a position of head
5 of technology for United Realty?

6 MR. COOPER: Objection to form.

7 A. I don't recall.

8 Q. Do you know Eric Fishgrund?

9 A. Yes, I do.

10 Q. Are you aware that he was
11 employed by United Realty?

12 A. Yes, I do. I am.

13 Q. And do you know in what
14 position he was employed by United Realty?

15 A. He was in charge of media, as
16 far as I can recall, marketing -- marketing
17 and media.

18 Q. Do you know Michael Blea?

19 A. Name does not ring a bell.

20 Q. Do you recall the person who
21 was the creative director at the time that
22 you resigned as president of United Realty?

23 A. Nick -- Nick somebody, I
24 believe.

25 Q. Okay, so you don't recall

1 E. VERSCHLEISER

2 Michael Blea?

3 A. I would have to look back in my
4 notes, but not off the top of my head.

5 Q. Do you know Nick
6 Constantinescu?

7 A. That's the Nick that I was
8 referring to.

9 Q. And are you aware that he was
10 employed by United Realty?

11 A. Yes, I am.

12 Q. And do you know what he was
13 employed by? As, I'm sorry.

14 A. He was in the creative
15 department under Eric Fishgrund's
16 direction.

17 Q. Do you know Barry Funt?

18 A. I do.

19 Q. And are you aware that Barry
20 Funt was employed by United Realty?

21 A. No, he was not, never employed
22 by United Realty.

23 Q. He was employed by United
24 Realty Capital Markets?

25 A. Is that a question?

1 E. VERSCHLEISER

2 Q. Yes, it's a question.

3 A. Could you repeat the question.

4 Q. To your knowledge, was Barry
5 Funt employed by United Realty Capital
6 Markets?

7 A. Is that an LLC or a
8 corporation? Do you --

9 Q. I'm asking --

10 MR. COOPER: He's just asking
11 if you know.

12 A. As far as I'm aware, he was
13 employed by one of our affiliated entities.

14 Q. Thank you.

15 At any time after December 3rd
16 of 2013, did you, alone or in concert with
17 others, directly or indirectly employ or
18 solicit the employment or the -- or assist
19 others in employing or soliciting the
20 employment of Raul Del Forno?

21 MR. COOPER: Objection to form.

22 Could I have that read back.

23 (Whereupon, the referred-to
24 question was read back by the
25 Reporter.)

1 E. VERSCHLEISER

2 MR. COOPER: Object to form.

3 You can answer it if you can.

4 A. No.

5 Q. At any time after December 3,
6 2013, did you, alone or in concert with
7 others, directly or indirectly employ or
8 solicit the employment of, or assist others
9 in employing or soliciting the employment
10 of Eric Fishgrund?

11 MR. COOPER: Same objection.

12 A. No.

13 Q. At any time after December 3,
14 2013, did you, alone or in concert with
15 others, directly or indirectly employ or
16 solicit the employment of, or assist others
17 in employing or soliciting the employment
18 of Michael Blea? That's B-L-E-A.

19 A. No.

20 Q. At any time after December 3,
21 2013, did you, alone or in concert with
22 others, directly or indirectly employ or
23 solicit the employment of or assist others
24 in employing or soliciting the employment
25 of Nick Constance, Constantinescu,

1 E. VERSCHLEISER

2 C-O-N-S-T-A-N-I-T, I'm sorry,

3 C-O-N-S-T-A-N-T-I-N-E-S-C-U?

4 A. Not to my knowledge.

5 Q. At any time after December 3rd,
6 did you, alone or in concert with others,
7 directly or indirectly employ or solicit
8 the employment of or assist others in
9 employing or soliciting the employment of
10 Barry Funt?

11 A. Not to my knowledge.

12 THE WITNESS: I'm sorry, two
13 questions of what you mentioned.
14 Could you read back two questions
15 ago.

16 MR. COOPER: He's asking
17 basically the same question about
18 Fishgrund, Blea, Constantinescu, and
19 Funt.

20 THE WITNESS: So I want to --

21 MR. COOPER: Which one --

22 THE WITNESS: So I want to
23 change my answer to Blea to "not to
24 my knowledge" as opposed to "no."

25 Q. Do you currently use a computer

1 E. VERSCHLEISER

2 that is named Eli X1 Harman?

3 MR. COOPER: Objection to form.

4 You can answer.

5 A. I don't know the name of my
6 computer. I don't think most people know
7 the names of their -- I don't give my
8 computers names.

9 Q. Do you own a Levono [sic] X1
10 computer?

11 A. I don't know what the model of
12 my computer is, but it is an IBM and I
13 believe we submitted all the names of my
14 computers.

15 Q. Do you have a laptop IBM or
16 what is now known as Levono, because it's
17 now no longer IBM?

18 A. Lenovo.

19 Q. Lenovo.

20 A. Yeah, I do.

21 Q. And do you know if that's an X1
22 model?

23 A. Not off the top of my head.

24 Q. How long have you had that
25 Lenovo laptop computer?

1 E. VERSCHLEISER

2 A. Over a year, perhaps two.

3 Q. During that year to perhaps
4 two, did you have any other Lenovo X1
5 computers?

6 A. No. I use the same computer.

7 Q. Where is that computer?

8 A. Physically?

9 Q. Yes.

10 A. In my office.

11 Q. Have you ever been arrested?

12 A. No, I have not.

13 Q. Have you ever been indicted?

14 A. Yes, I have.

15 Q. When and for what?

16 MR. COOPER: Objection. Direct
17 him not to answer that question
18 unless you can tell me how it's
19 relevant.

20 MR. FRYDMAN: It's for
21 impeachment purposes.

22 MR. COOPER: Okay, yeah, I'm
23 going to direct him not to answer. I
24 don't know what that has to do with
25 the --

1 E. VERSCHLEISER

2 MR. FRYDMAN: So -- so,
3 Mr. Cooper, as I think you're aware,
4 these issues, while you certainly
5 have the right to object and you
6 certainly can put it on the record
7 and we can proceed for protective
8 orders, but that, we have the right
9 to obtain the response subject to
10 your objection, and pursuant to CPLR
11 31.13, "All objections made at the
12 time of the examination are noted and
13 the deposition is required to proceed
14 subject to your right to either seek
15 a protective order to object to the
16 use of it at our hearing."

17 MR. COOPER: Let's go off the
18 record. Let me talk to my client
19 outside.

20 THE VIDEOGRAPHER: Off the
21 record? I just wanted to make sure.
22 Mr. Frydman, off?

23 MR. FRYDMAN: I don't
24 understand why we're going off the
25 record.

1 E. VERSCHLEISER

2 MR. COOPER: Because this
3 involves attorney/client
4 communication and discussion and I
5 don't want to have it be on the
6 record.

7 MR. FRYDMAN: How long do you
8 think you're going to be?

9 MR. COOPER: Few minutes.

10 MR. FRYDMAN: Fine.

11 THE VIDEOGRAPHER: We are now
12 off the record at 1:51 p.m.

13 (Whereupon, a short recess was
14 taken.)

15 THE VIDEOGRAPHER: We are now
16 on the record at 1:53 p.m.

17 MR. COOPER: He can answer the
18 question.

19 MR. FRYDMAN: Thank you.

20 Q. Have you ever been indicted?

21 A. Yes, I have.

22 Q. For what?

23 A. When I was about 15 years old
24 or 16 years old --

25 I don't have the -- I don't

1 E. VERSCHLEISER

2 remember the specifics, but it's publicly
3 filed in our writ that we filed. You
4 actually wrote exactly what the text is to
5 answer that question to the public, so
6 kindly refer to it and put it on the
7 record.

8 Q. So you don't recall
9 specifically?

10 MR. COOPER: Objection to form.

11 A. I -- again, it's going to take
12 up too much of our time and it's very short
13 form written by yourself and you can refer
14 to it in the prospectus.

15 Q. Were you indicted to matters
16 related to bank and other credit card
17 fraud?

18 A. You know, I was 16 years old.
19 It's a long time. I don't remember
20 specifically what it was and I'm going
21 answer the same thing: If you'd like, I
22 see the prospectus sitting on the table. I
23 can read it to you to put it onto record.

24 Q. I'm asking your recollection.

25 A. My recollection is --

1 E. VERSCHLEISER

2 Q. Other than that indictment,
3 were you indicted on any other matter?

4 A. No, I have not been.

5 Q. Have you ever been accused of
6 failing to disclose an arrest to any
7 governmental agency or regulatory agency?

8 A. Not to my knowledge.

9 Q. In researching for this
10 deposition, I came across a Daily News
11 article that spoke of accusations of you
12 being a drug dealer. Were you ever
13 indicted or arrested for selling or dealing
14 drugs?

15 MR. COOPER: Objection to form.

16 A. Not to my knowledge.

17 Q. Are you familiar with a
18 mailbox, e-mail box provider called land1
19 or mail.com?

20 A. Not off the top of my head.

21 Q. Have you ever established a
22 mailbox or an e-mail account on land1 or
23 mail.com?

24 A. Not to my recollection.

25 Q. Have you ever instructed or

1 E. VERSCHLEISER

2 directed anyone to establish a mailbox or
3 an e-mail account on mail.com?

4 A. No, I have not.

5 Q. Have you ever heard of
6 informedconsumer@mail.com?

7 A. I have not.

8 Q. That is not a mailbox that you
9 formed or created; is that correct?

10 A. That's correct.

11 Q. And it's not a mailbox that you
12 or anyone you know created?

13 A. I would not be able to know
14 what other people do. I don't know if you
15 created it. I wouldn't know and I know
16 you, so it would be a difficult question to
17 answer.

18 Q. Did you direct anyone to create
19 such a mailbox called
20 informedconsumer@mail.com?

21 A. Not to my recollection.

22 Q. Do you know anyone named
23 Kinsey Gelbach?

24 A. I may have, but not to my
25 knowledge or recollection.

1 E. VERSCHLEISER

2 Q. Do you know whether in February
3 of 2010, I'm sorry, February of 2014 you
4 e-mailed Kinsey Gelbach any e-mails?

5 A. Not to my recollection or
6 knowledge.

7 MR. FRYDMAN: 63.

8 MR. EDELMAN: (Handing.)

9 MR. FRYDMAN: Would you please
10 mark this as E.V. 1 for
11 identification.

12 (Whereupon, the aforementioned
13 two-page e-mail chain dated
14 February 11, 2014 was marked as E.V.
15 Exhibit 1 for identification as of
16 this date by the Reporter.)

17 Q. Mr. Verschleiser, handing you
18 what's been identified, what's been marked
19 as E.V. 1 for identification, can you, and
20 directing your attention to the bottom part
21 of this page, the one that is an e-mail
22 from informedconsumer@mail.com to Kinsey
23 Gelbach, have you ever seen that e-mail
24 before?

25 A. Not to my recollection.

1 E. VERSCHLEISER

2 Q. Did you write that e-mail?

3 A. No, I did not.

4 Q. Did you send this e-mail?

5 A. No, I did not.

6 Q. Did you have anyone write or
7 send this e-mail on your behalf?

8 A. Not to my recollection.

9 Q. Did you instruct or direct
10 anyone to send this e-mail?

11 A. Not to my recollection.

12 Q. Do you know anyone named Amy
13 Weins?

14 A. No, I do not.

15 Q. To your knowledge, in February
16 of 2014, did you send Amy Weins any
17 e-mails?

18 A. No, I did not, not to my
19 knowledge.

20 MR. FRYDMAN: Can we please
21 mark this as E.V. 2.

22 (Whereupon, the aforementioned
23 e-mail dated February 10, 2014 was
24 marked as E.V. Exhibit 2 for
25 identification as of this date by the

1 E. VERSCHLEISER

2 Reporter.)

3 Q. Mr. Verschleiser, handing you
4 what's been marked E.V. 2 for
5 identification, have you ever seen this
6 e-mail before?

7 A. No, I have not. I may have
8 seen it -- I may have seen it in some of
9 these documentations that you --

10 Q. As an exhibit to something I
11 may have filed; is that right?

12 A. Possibly, but --

13 Q. But not, this is not, is, did
14 you write this e-mail?

15 A. No, I did not.

16 Q. Did you send this e-mail?

17 A. Not to my recollection. If I
18 didn't write it, then I didn't send it,
19 right?

20 Q. Well, I'm asking you. Did you
21 send this e-mail?

22 A. I did not.

23 Q. You did not. Did you instruct
24 anyone to send this e-mail?

25 A. No, I did not.

1 E. VERSCHLEISER

2 Q. Did you instruct anyone to
3 write this e-mail?

4 A. No, did I not.

5 Q. Did you direct or ask anyone to
6 write or send this e-mail?

7 THE WITNESS: Could you repeat
8 the last question. Not this one, the
9 one before. I just think he's asking
10 the same question.

11 Q. I didn't. I asked before if
12 you instructed and this one I asked if you
13 directed or asked anyone to write or send
14 this e-mail.

15 THE WITNESS: Could you read
16 back the last question.

17 (Whereupon, the referred-to
18 question was read back by the
19 Reporter.)

20 A. So you're asking the same
21 question again.

22 Q. No, I'm not.

23 MR. COOPER: Just answer. It's
24 okay.

25 THE WITNESS: Okay.

1 E. VERSCHLEISER

2 A. No, I did not.

3 Q. Are you familiar with the
4 website called GMX.com?

5 A. Not off the top of my head.

6 Q. Have you ever established a
7 mailbox or an e-mail account on GMX.com?

8 A. No, I did not.

9 Q. Have you ever asked, directed,
10 or instructed anyone to, on your behalf,
11 establish a mailbox or an e-mail on
12 GMX.com?

13 A. No, I did not.

14 Q. Have you ever heard of
15 friendsofEli@GMX.com?

16 MR. COOPER: Objection to form.

17 A. No, I have not.

18 Q. Is friends of Eli GMX.com a
19 mailbox that you or anyone you know
20 created?

21 A. No, it has not been.

22 Q. Did you ever instruct Raul Del
23 Forno to create a mailbox known as
24 friendsofEli@GMX.com?

25 A. No, I have not. But just to

1 E. VERSCHLEISER

2 clarify, and maybe to circumvent and make
3 this process move faster, I have not
4 instructed Raul Del Forno to do anything,
5 ever, other than while he was employed at
6 our company.

7 Q. So that I'm clear and I
8 understand what you're saying, you were no
9 longer employed with United Realty as of,
10 at the latest, December 4, 2013; is that
11 correct?

12 MR. COOPER: Objection to form.

13 A. I have to look at my documents.

14 Q. But from that point in time
15 that you were no longer employed with
16 United Realty --

17 A. I think I'm still employed with
18 United Realty, but we could continue. You
19 could give me a date.

20 Q. Well, I'm very interested in
21 knowing how you believe you're employed by
22 United Realty.

23 A. I don't think it's relevant.
24 You can look at our file, the case that we
25 filed against you, which is very clear.

1 E. VERSCHLEISER

2 Q. You've sought rescission --

3 A. That is --

4 Q. It, you've sought rescission --

5 A. That will specifically in

6 English explain to you how it is --

7 MR. COOPER: Just answer this

8 specific question. You should know

9 the answer --

10 Q. Are you referring to your claim

11 for rescission of a contract dated

12 December 3rd?

13 MR. COOPER: Objection to form.

14 A. Again, I'm going make it clear

15 on the record that I have not since

16 December -- since mid-December of 2013

17 instructed Raul Del Forno to do anything,

18 period.

19 Q. And thank you for that and I

20 would just like to make sure that I

21 understand the dates, okay?

22 A. Sure.

23 Q. So after December 3rd, starting

24 with December 4th of 2013, did you instruct

25 Raul Del Forno to do anything for you after

1 E. VERSCHLEISER

2 December 4th of 2013?

3 MR. COOPER: Objection to form.

4 If you know that specific date,
5 answer it.

6 A. I don't know the specific date
7 but definitely sometime in mid -- since --
8 since our separation or our split, I have
9 not instructed Raul Del Forno to do
10 anything.

11 Q. And if I were to remind you
12 that your separation or split, as you call
13 it, and your resignation as an employee of
14 United Realty occurred on December 4, 2014
15 [sic] --

16 A. If that is the date, then that
17 is the date --

18 MR. COOPER: Objection to form.

19 A. -- that I have not since
20 instructed any one of those people that you
21 mentioned.

22 Q. So not Raul, correct?

23 A. Correct.

24 Q. Not Barry?

25 A. Correct.

1 E. VERSCHLEISER
2 Q. Not Nick?
3 A. Correct.
4 Q. Not Michael Blea?
5 A. Correct.
6 Q. Not Steven Tober?
7 A. Correct.
8 Q. Do you know Craig Gould?
9 A. Yes, I do. We hired him.
10 Q. Who is he?
11 A. He's Craig Gould.
12 Q. Do you know what he does?
13 A. Today no, I do not.
14 Q. Do you know what he did in
15 February of 2014?
16 A. No, I did not.
17 Q. Do you know what he did on
18 December 4th of 2014 [sic], the day you
19 resigned from United Realty?
20 A. December 4th of 2014 is --
21 Q. I'm sorry, 2013.
22 A. -- is a long ways from here.
23 Q. Thank you. December 4th of
24 2013, do you recall what he did then?
25 A. I think he was, at the time,

1 E. VERSCHLEISER

2 the CEO of a broker/dealer that we own
3 called Kaballah Securities.

4 Q. Have you or anyone acting on
5 your behalf ever sent Craig Gould an e-mail
6 from a mailbox friendsofEli@GMX.com?

7 A. If you refer to the questions
8 earlier that you asked me, I don't know of
9 that mailbox and -- and anyone that I know
10 or are affiliated with have not written or
11 sent anything from that.

12 Q. Thank you.

13 MR. FRYDMAN: Mark this as E.V.
14 3, please.

15 (Whereupon, the aforementioned
16 e-mail was marked as E.V. Exhibit 3
17 for identification as of this date by
18 the Reporter.)

19 Q. Have you spoken to Craig Gould
20 since December 4th of 2014?

21 A. Yes, I have.

22 Q. When was the most recent time
23 that you spoke to him?

24 A. Over the last few weeks.

25 Q. And you don't know what he

1 E. VERSCHLEISER

2 does?

3 A. I didn't ask him at the time.

4 Q. Handing what you's been marked
5 as E.V. 3 for identification, can you
6 identify that e-mail?

7 A. Can I -- can I read it on the
8 record?

9 Q. No. Just tell me if you've
10 ever seen it before.

11 A. I have not. It's the same
12 thing that you asked me in the last few
13 questions.

14 Q. Did you write this e-mail?

15 A. No, I have not.

16 Q. Did you send this e-mail?

17 A. No, I have not.

18 Q. Did anyone at your request
19 write or send this e-mail?

20 A. I have not requested anyone to
21 write or send this e-mail.

22 Q. Did you instruct anyone to
23 write or send this e-mail?

24 A. I did not instruct anyone to
25 write or send this e-mail.

1 E. VERSCHLEISER

2 Q. Are you familiar with a website
3 called scamguard.com?

4 A. Not off the top of my head.

5 Q. Have you ever written,
6 authored, or submitted anything to
7 scamguard.com?

8 A. Not to my knowledge.

9 Q. Did you ever instruct or direct
10 anyone or person to write, author, or
11 submit anything to or post anything on
12 scamguard.com?

13 A. Not to my knowledge.

14 MR. FRYDMAN: E.V. 4, please.

15 (Whereupon, the aforementioned
16 scamguard.com screen shot was marked
17 as E.V. Exhibit 4 for identification
18 as of this date by the Reporter.)

19 MR. FRYDMAN: E.V. 5.

20 (Whereupon, the aforementioned
21 two-page scamguard.com article
22 "Flipping Houses 101" was marked as
23 E.V. Exhibit 5 for identification as
24 of this date by the Reporter.)

25 MR. FRYDMAN: And E.V. 6,

1 E. VERSCHLEISER

2 please.

3 (Whereupon, the aforementioned
4 two-page scamguard.com article
5 "Medicaid/Medicare Plans" was marked
6 as E.V. Exhibit 6 for identification
7 as of this date by the Reporter.)

8 Q. Mr. Verschleiser, handing you
9 what's been marked E.V. 4 for
10 identification, have you ever seen that
11 posting on scamguard.com before?

12 A. No, I have not.

13 Q. Did you write the posting on
14 scamguard.com?

15 A. No, I did not.

16 Q. Did you post the posting on
17 scamguard.com?

18 A. No, I have not.

19 Q. Has, to your knowledge, did
20 anyone at your request or direction write
21 or post that posting on scamguard.com?

22 A. No.

23 Q. Handing you what's been marked
24 as E.V. 5 for identification, have you ever
25 seen that posting on scamguard.com?

1 E. VERSCHLEISER

2 A. Not to my recollection.

3 Q. Did you write that posting on
4 scamguard.com?

5 A. Well, no, I did not.

6 Q. Did you post that posting on
7 scamguard.com?

8 A. No, I did not.

9 Q. Did anyone at your request,
10 instruction, or direction write or post
11 that posting on scamguard.com?

12 A. No, but I may know who did it.

13 MR. COOPER: Don't speculate.

14 THE WITNESS: Okay.

15 MR. COOPER: If you know, tell
16 him.

17 Q. If you know, who did it?

18 A. Okay. I'm not going to
19 speculate.

20 Q. So it's not you or someone at
21 your direction?

22 A. That is correct.

23 Q. Why do you think you know who
24 did it?

25 A. At the time prior to our split,

1 E. VERSCHLEISER

2 I recall you having numerous issues with
3 other prominent real estate and individuals
4 in the business world and I see over here
5 that that's some of the things that are
6 written, so I recall that you had some
7 fraud cases against you.

8 Q. We'll get to that shortly, I
9 can assure you. You'll have plenty of time
10 to talk about that.

11 A. You asked me, I'm answering.

12 Q. Handing you what's been marked
13 as E.V. 6 for identification, have you seen
14 that ScamGuard posting before?

15 A. No, I have not.

16 Q. Did you write that ScamGuard
17 posting?

18 A. No, but I'm looking forward to
19 watching the show "Greed."

20 MR. COOPER: Same thing.

21 THE WITNESS: Oh, I'm sorry.

22 MR. COOPER: Just answer his
23 questions.

24 Q. Did you post that posting on
25 scamguard.com?

1 E. VERSCHLEISER

2 A. No, I have not.

3 Q. Did anyone at your direction or
4 instruction or request write or post that
5 posting on scamguard.com?

6 A. Not to my knowledge.

7 Q. Are you familiar with the
8 website called complaintsboard.com?

9 A. No, I am not.

10 MR. FRYDMAN: E.V. 7.

11 (Whereupon, the aforementioned
12 complaintsboard.com screen shot was
13 marked as E.V. Exhibit 7 for
14 identification as of this date by the
15 Reporter.)

16 Q. Handing you what's been marked
17 E.V. 7 for identification, have you seen
18 that Complaints Board posting before?

19 A. Not to my recollection.

20 Q. Did you write that Complaints
21 Board posting?

22 A. No, I did not.

23 Q. Did you post that Complaint
24 Board posting?

25 A. No, I did not.

1 E. VERSCHLEISER

2 Q. Did anyone at your direction or
3 request or instruction write or post that
4 Complaints Board posting?

5 A. Not to my knowledge.

6 MR. FRYDMAN: (Handing.)

7 (Whereupon, the aforementioned
8 Congoo screen shot was marked as E.V.
9 Exhibit 8 for identification as of
10 this date by the Reporter.)

11 Q. Mr. Verschleiser, I'm handing
12 you what's been marked as E.V. 8 for
13 identification and I will share with you
14 that this comes off a website called Congoo
15 but it's a reprint, as you can tell by
16 looking below, of a posting on Complaint
17 Board on April 12, 2014.

18 MR. COOPER: Has this been
19 produced in some form before?

20 MR. FRYDMAN: It has. It has.

21 MR. COOPER: Okay.

22 A. I'm not sure how you are --

23 MR. COOPER: Well, just let him
24 finish the question.

25 THE WITNESS: Okay.

1 E. VERSCHLEISER

2 Go ahead.

3 Q. Take a look in the first box.
4 See where it says, "Complaint Board
5 April 12, 2014"?

6 A. Yes.

7 Q. Okay. Have you seen this
8 posting before?

9 A. No, I have not.

10 Q. Did you write this posting?

11 A. If you just said it's a reprint
12 of Complaints Board and -- that means they
13 reprinted it.

14 Q. What I think I said is that
15 this Congoo website reprinted a posting
16 that was originally on Complaints Board.

17 A. Then why are you asking me if I
18 printed it?

19 Q. I'm asking if you posted the
20 original Complaint Board posting.

21 A. Is it a different one from
22 before or is it the same? You just asked
23 me that in Exhibit 7.

24 MR. FRYDMAN: Do you have the
25 other Complaints Board? There's

1 E. VERSCHLEISER

2 another Complaints Board.

3 All right, so just at a

4 break --

5 Q. Are you familiar with a website
6 called reitwrecks.com?

7 A. Yes, actually.

8 Q. Did you ever write or post
9 anything for or on reitwrecks.com?

10 A. Not to my recollection.

11 Q. To your knowledge, did anyone
12 at your instruction or direction or request
13 write or post anything on reitwrecks.com?

14 A. Not to my knowledge.

15 MR. FRYDMAN: (Handing.)

16 (Whereupon, the aforementioned
17 two-page reitwrecks.com article was
18 marked as E.V. Exhibit 9 for
19 identification as of this date by the
20 Reporter.)

21 Q. Handing you what has been
22 marked as E.V. 9 for identification, I'm
23 going to ask you if you have ever seen that
24 posting before.

25 A. No, I have not.

1 E. VERSCHLEISER

2 Q. Did you write that posting?

3 A. No, I did not.

4 Q. Did you post that posting?

5 A. No, I did not.

6 Q. Did anybody at your request,
7 instruction, or direction write or post
8 that posting?

9 A. Not to my knowledge.

10 MR. FRYDMAN: Where is the next
11 Reit Wrecks?

12 MR. EDELMAN: (Hanging.)

13 MR. FRYDMAN: (Hanging.)

14 (Whereupon, the aforementioned
15 reitwrecks.com post titled "United
16 Realty Trust Jacob Frydman Fraud" was
17 marked as E.V. Exhibit 10 for
18 identification as of this date by the
19 Reporter.)

20 MR. FRYDMAN: Do you have the
21 third one?

22 Q. Hanging you what's been marked
23 E.V. 10 for identification, have you ever
24 seen that posting on reitwrecks.com?

25 A. No, I have not.

1 E. VERSCHLEISER

2 Q. Did you write that posting on
3 reitwrecks.com?

4 A. No, I did not.

5 Q. Did you post that posting on
6 reitwrecks.com?

7 A. No, I did not.

8 Q. Did anyone at your request,
9 instruction, or direction write or post
10 that posting on reitwrecks.com?

11 A. Not to my knowledge.

12 Q. Are you familiar with a website
13 called ripoffreport.com?

14 A. RipOff Report? I think so.

15 Q. How is it that you're familiar
16 with ripoffreport.com?

17 A. I think somebody once posted
18 something about me or about us on that
19 website.

20 Q. Do you recall what it was?

21 A. Not off the top of my head.
22 Some disparagement stuff.

23 Q. Approximately, when was that?

24 A. While we were working at United
25 Realty together.

1 E. VERSCHLEISER

2 Q. So before you and I separated,
3 you were a victim of a report on
4 ripoffreport.com; is that right?

5 MR. COOPER: Objection to form.

6 A. Um --

7 Q. Let me change that. Were you
8 the subject of a report on
9 ripoffreport.com?

10 A. I think we both were, yes.

11 Q. Do you recall that that was an
12 allegation -- strike that.

13 Other than that one posting on
14 ripoffreport.com, have you ever written or
15 posted anything on ripoffreport.com?

16 MR. COOPER: Objection to form.

17 A. I did not write that posting
18 nor any other postings on ripoffreport.com.

19 MR. FRYDMAN: (Hanging.)

20 (Whereupon, the aforementioned
21 two-page ripoffreport.com article was
22 marked as E.V. Exhibit 11 for
23 identification as of this date by the
24 Reporter.)

25 Q. Hanging you what's been marked

1 E. VERSCHLEISER

2 as E.V. 11 for identification, have you
3 ever seen that RipOff Reports posting
4 before?

5 A. No. No, I have not.

6 Q. Did you write that RipOff
7 Report posting?

8 A. No, I did not.

9 Q. Did you post that RipOff
10 Reports posting?

11 A. No, I did not.

12 Q. Did anybody at your
13 instruction, request, or direction write or
14 post that posting on ripoffreports.com?

15 A. Not to my knowledge. At least
16 somebody was making the world aware --

17 MR. COOPER: (Indicating.)

18 THE WITNESS: You read this
19 stuff?

20 MR. FRYDMAN: What is this one?
21 Is this different than that one?

22 (Handing.)

23 (Whereupon, the aforementioned
24 ripoffreport.com complaint review was
25 marked as E.V. Exhibit 12 for

1 E. VERSCHLEISER

2 identification as of this date by the
3 Reporter.)

4 Q. Mr. Verschleiser, handing you
5 what's been marked E.V. 12 for
6 identification, have you seen that posting
7 on ripoffreports.com before?

8 A. No, I have not.

9 Q. Did you write that posting on
10 ripoffreports.com?

11 A. No, I did not.

12 Q. Did you post that posting on
13 ripoffreports.com?

14 A. No, I did not.

15 Q. Did anybody at your direction
16 or instruction or request write or post
17 that posting on ripoffreports.com?

18 A. Not to my knowledge.

19 Q. Are you familiar with a blog
20 called Jacob Frydman Fraud?

21 A. Not familiar with any blogs.
22 I'm not familiar with blogs, period.

23 Q. Because you don't deal with
24 blogs?

25 A. I don't read blogs, I don't

1 E. VERSCHLEISER

2 blog. It's something that came along post
3 my internet learning days.

4 Q. So you have not participated or
5 done anything in connection with blogs?

6 MR. COOPER: Objection to form.

7 A. You have to be more specific.

8 Q. Have you ever posted anything
9 on a blog?

10 A. While we were at United Realty
11 together, Eric Fishgrund posted, wrote and
12 posted blogs in our names, my name, your
13 name, for the both of us. Other than that,
14 I've never posted or -- I don't -- I'm not
15 familiar with blogs other than that.

16 Q. And other than that, limiting
17 it to exclusively those blogs that Eric
18 Fishgrund was ghostwriting as a marketing
19 opportunity for United Realty and
20 specifically since December 4th of 2013,
21 have you ever created a blog or posted a
22 blog or asked someone else to create or
23 post a blog?

24 A. Well, I'm a frequent writer in
25 the last -- since I haven't been working,

1 E. VERSCHLEISER
2 we haven't been working together, I've
3 written probably a half a dozen to a dozen
4 articles that have been published in major
5 publications and whether those were put
6 onto blogs I don't know, but for the most
7 part, the answer is I do not create --
8 create blogs.

9 Q. That was not my question, and
10 it's very nice that you write articles of
11 great interest, but I'm talking about you
12 creating, directing, or instructing others
13 to create blogs.

14 A. No. Answer is no.

15 MR. FRYDMAN: (Handing.)

16 (Whereupon, the aforementioned
17 Jacob Frydman Fraud screen shot was
18 marked as E.V. Exhibit 13 for
19 identification as of this date by the
20 Reporter.)

21 Q. Handing you what's been marked
22 as E.V. 13 for identification, have you
23 ever seen that blog posting before?

24 A. If it is, in fact, a blog
25 posting, I have not seen it before.

1 E. VERSCHLEISER

2 Q. Have you ever seen it in any
3 form?

4 A. Other than at the moment, no.

5 Q. Did you write that blog or post
6 or whatever it happens to be?

7 MR. COOPER: Objection to form.

8 A. No, I did not.

9 Q. Did you post that blog or post
10 or whatever it happens to be?

11 A. No, I did not.

12 Q. Did anybody at your direction,
13 instruction, or request write or post that
14 blog or whatever it happens to be?

15 MR. COOPER: Objection to form.

16 A. Not to my knowledge.

17 Q. Earlier I asked you if you were
18 familiar with mail.com and land1.com; do
19 you recall that?

20 A. Yes.

21 MR. COOPER: That one, the
22 number one or is a numeral one or
23 spell it out?

24 MR. FRYDMAN: It's numeral one

25 A-N-D numeral one.

1 E. VERSCHLEISER

2 MR. COOPER: Okay, thank you.

3 Q. Have you ever heard of that
4 company before?

5 A. I think you asked me it
6 already.

7 Q. Yeah, I did, but -- and I think
8 you said no, but I am right, is that --

9 A. Not to my recollection. I may
10 -- if it's a hosting company or something
11 to that effect, I may have used it in the
12 past but, in general, generally speaking, I
13 have not heard of it.

14 MR. FRYDMAN: (Handing.)

15 (Whereupon, the aforementioned
16 six-page e-mail chain dated
17 December 5, 2013, was marked as E.V.
18 Exhibit 14 for identification as of
19 this date by the Reporter.)

20 Q. Handing you what's been marked
21 as E.V. 14 for identification, can you
22 please identify that.

23 MR. COOPER: Has this been
24 produced before?

25 MR. FRYDMAN: It has.

1 E. VERSCHLEISER

2 A. What was your question?

3 Q. I'm asking if you can identify
4 this document.

5 A. Identify it? It looks like an
6 e-mail chain.

7 Q. Okay, from whom to whom?

8 A. From Ahuva to myself and
9 aonica@gmail.com.

10 Q. Who is aonica@gmail.com?

11 A. I believe it's Alex Onica.

12 Q. And what is his relationship to
13 you?

14 A. He's an independent contractor
15 to my companies for many years.

16 Q. And what is he independent
17 contractor on?

18 A. Technology.

19 Q. What's the date of this e-mail?

20 A. Thursday, December 5, 2013.

21 Q. And if we go down to the second
22 part of that chain, there's an e-mail from
23 you to Ahuva Slomowitz; is that correct?

24 A. That's correct.

25 Q. And who is Ahuva Slomowitz?

1 E. VERSCHLEISER

2 A. My assistant.

3 Q. You know, it might be easier if
4 we start from the back and go up.

5 A. Sure.

6 Q. Why don't we start with the
7 December 5th, 5:29 e-mail from Ahuva to
8 you. Can you explain that to me, please?

9 A. You would have to ask her. I
10 just could read it to you, if you'd like.

11 Q. Well, she's asking you a
12 question, isn't she?

13 A. It sounds like she's saying
14 something:

15 "Alex has to switch OP to
16 another hosting website. We have too
17 many e-mails and many that are not
18 used. I went through them and only
19 see a few that we need to back up and
20 save before he switches domains. Any
21 other e-mails that are used that I
22 don't know about? Does Shani use
23 hers?"

24 Q. Do you have any idea of what
25 Ahuva was talking about, switching domains?

1 E. VERSCHLEISER

2 A. Yeah. I believe that we put
3 Our Place onto Intermedia.

4 Q. Anything else that you put on
5 Intermedia?

6 A. We use Intermedia as a hosting
7 company.

8 Q. I understand. Which companies
9 or which domains did you put on Intermedia?

10 A. I would have to ask our tech
11 guys.

12 Q. You don't know?

13 A. Correct.

14 Q. So, now, as we come back up, do
15 you understand what it means, "Alex has to
16 switch OP to another hosting website"?

17 A. OP is Our Place.

18 Q. And then as you go up, you
19 asked, "Why the change?" correct?

20 A. Correct.

21 Q. Why was there a change
22 necessary?

23 MR. COOPER: Objection to form.

24 A. I don't recall at the time.

25 Probably to save money. Typically, every

1 E. VERSCHLEISER

2 so often we --

3 MR. COOPER: Don't speculate.

4 If you know the answer, you know the
5 answer.

6 THE WITNESS: Okay.

7 Q. Well, take a look at the e-mail
8 just above that. Apparently, you were
9 locked out of the website. Do you know
10 what that refers to? Was there any website
11 or e-mail hosting exchange server that you
12 were locked out of at that time?

13 A. Well, there was a period of
14 time for a day or two that you childlessly
15 [sic] locked me out and our not-for-profits
16 of their e-mails and web access, something
17 to that effect.

18 Q. So, therefore, you had to move
19 them, right?

20 A. That's correct.

21 Q. Go to the next e-mail, the one
22 from Alex Onica to you. I think it says,
23 Moishe and David are trying to process
24 certain payments through
25 ourplacenewyork.org website and corporate

1 E. VERSCHLEISER

2 because someone, some sure native Linux
3 function could not be enabled on the
4 hosting environment. Do you know what that
5 means?

6 MR. FRYDMAN: Objection to
7 form.

8 A. It means exactly what it says,
9 that a Linux function could not be enabled
10 in the hosting environment.

11 Q. See down below it says,
12 "However, landl cannot guarantee e-mail
13 transition"?

14 A. Yes, I do.

15 Q. What is that?

16 A. I guess --

17 MR. COOPER: If you know.

18 THE WITNESS: No, I don't know.

19 Q. But on December 5, 2013, you
20 were having correspondence regarding landl,
21 were you not?

22 MR. COOPER: I don't see him on
23 this e-mail.

24 A. No. It looks like Alex Onica
25 was.

1 E. VERSCHLEISER

2 Q. Do you see that this is in the
3 e-mail chain sent to you?

4 A. It's in the e-mail chain --
5 looks like it's in the e-mail chain --

6 MR. COOPER: Wait. Want to
7 show us where that e-mail was sent to
8 him?

9 THE WITNESS: I don't see it.

10 MR. COOPER: I don't see it if
11 it was.

12 Q. Go to the first page.

13 MR. COOPER: No, no, no, this
14 e-mail.

15 A. The first page is a different
16 e-mail.

17 Q. Were you aware that your
18 independent contractor, Alex Onica, who
19 handled your IT, was working with landl at
20 this time for some purpose?

21 A. Not off the top of my head.

22 Q. But he was working for you?

23 A. He was. He still is.

24 MR. FRYDMAN: The videographer
25 has to stop every hour and 15 minutes

1 E. VERSCHLEISER

2 to change his disks, so this would be
3 an appropriate time to do that.

4 THE WITNESS: Are you finished
5 with that?

6 MR. FRYDMAN: This exhibit. We
7 are far from ending.

8 THE VIDEOGRAPHER: We are now
9 off the record at 2:36 p.m.

10 (Whereupon, a short recess was
11 taken.)

12 THE VIDEOGRAPHER: This is Tape
13 2. We are now on the record at
14 2:44 p.m.

15 MR. FRYDMAN: Can we mark this,
16 please.

17 (Whereupon, the aforementioned
18 e-mail dated April 14, 2014, was
19 marked as E.V. Exhibit 15 for
20 identification as of this date by the
21 Reporter.)

22 Q. Mr. Verschleiser, handing you
23 what's been marked at Exhibit 15, E.V. 15
24 for identification, can you identify this?

25 A. "Hi everyone, I'm away for the

1 E. VERSCHLEISER

2 Pass" -- it looks like an e-mail.

3 Q. Right. The bottom part, the
4 part that's from Eli Verschleiser --

5 A. "I was told that I should share
6 this with you as it will likely become a
7 very public story in the near future. It
8 seems apparent that the board is unaware of
9 any of this, but I have -- I feel I have a
10 horais (phonetic) only to you. Have a
11 wonderful yom tup."

12 Q. Was this an e-mail that you
13 wrote?

14 A. Possibly. I don't recall
15 e-mails, specific e-mails that I write for
16 the most part.

17 Q. Well, would someone else be
18 writing in your account?

19 A. Could be that my assistant does
20 from time to time.

21 Q. Did you instruct her to write
22 this to Mr. Newman?

23 A. I do not recall.

24 Q. Did you write this to
25 Mr. Newman?

1 E. VERSCHLEISER

2 A. I do not recall.

3 Q. Is there any reason that you
4 doubt that you wrote it to Mr. Newman?

5 A. No.

6 Q. So more likely than not, you
7 wrote this to Mr. Newman?

8 MR. COOPER: Objection to form.

9 A. Again, I do not recall writing
10 this e-mail.

11 Q. Is this, is this an e-mail over
12 your signature?

13 A. Over my name.

14 MR. COOPER: Objection to form.

15 Q. Where were you on Monday,
16 April 14, 2014; do you know?

17 A. No, I do not.

18 Q. Did you attach any documents to
19 this e-mail?

20 A. I do not recall this e-mail.

21 Q. Do you have any idea what is
22 meant in this e-mail where it says, "I
23 should share this with you"? What is
24 "this"?

25 A. I have no idea.